IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 18TH DECEMBER 2006 / 27TH AGRAHAYANA 1928

RCRev..No. 434 of 2006(A)

RCP.4/2001 of MUNSIFF COURT, THALIPARAMBA
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PETITIONER/APPELLANT/RESPONDENT:

V.N.LATHIKA, D/O.SHARADA, AGED 53
RESIDING AT KODALLOOR, ANDOOR DESOM,
KODALLOOR AMSOM, P.O. PARASSINIKKADAVU.

BY ADV. SRI.M.RAMESH CHANDER

RESPONDENTS: RESPONDENT/PETITIONER:

S.K. JISHIN MOHAN,
S/O.CHANDRA MOHAN AGED 29 YEARS, RESIDING AT
ARAYAL THARA, PUZHATHI, P.O.KAKKAD,
KANNUR-5.

BY ADV. SRI.BALACHANDAN

THIS RENT CONTROL REVISION HAVING BEEN FINALLY HEARD ON 18/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

I.A. NO. 3578/2006 IN R.C.R. NO. 434 OF 2006

CLOSED

18.12.2006 SD/- K.A. ABDUL GAFOOR, JUDGE.

SD/- K.R. UDAYABHANU, JUDGE.

K.A. ABDUL GAFOOR & K.R. UDAYABHANU, JJ

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R.C.R. NO. 434 OF 2006 A

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Dated this the 18th day of December 2006

ORDER

Udayabhanu,J

The Revision Petitioner is the tenant who is under orders of eviction on the basis of the tenant conceding before the Rent Control Court that she shall vacate. 6 months time was granted for the same. Subsequently, after about 6 years the petitioner/tenant filed an appeal which was dismissed at the threshold as no allegation of fraud on the part of the counsel who represented the tenant before the Rent Control Court that the premises shall be vacated within 6 months, was alleged.

We find that there is no case against the counsel who represented that the petitioner/tenant has no objection in vacating the premises. The counsel herein has relied on the decision of **Thomas v. Easo** (1999 (1) KLT 138 in support of the contention that in the absence of consideration of the provisions of the statute, specifically with respect to the proviso to section 11(3), the order on the basis of the compromise cannot be

approved. We find that facts are entirely different in Thomas case. There was specific provision in the compromise filed therein that no alternate premises were available in the vicinity as provided under proviso to section 11(3). We find no merit in the Revision Petition filed and the same is dismissed in limine.

K.A. ABDUL GAFOOR, JUDGE

K.R. UDAYABHANU, JUDGE

RV